

EXHIBIT 15

TO MAO DECLARATION ISO
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 CHASOM BROWN, WILLIAM BYATT,
5 JEREMY DAVIS, CHRISTOPHER
6 CASTILLO, and MONIQUE TRUJILLO,
7 individually and on behalf of
8 all other similarly situated

9 Plaintiffs,

CASE NO.

5:20-CV-03664-LHK-SVK

VS.

10 GOOGLE LLC

11 Defendant.

12 ZOOM VIDEOTAPED DEPOSITION OF WILLIAM BYATT

December 20, 2021

13 11:04 a.m. EST

14
15
16 TAKEN BY:

17 VIOLA TREBICKA, ESQ.

18 ATTORNEY FOR DEFENDANT

19 REPORTED BY:

20 BELLE VIVIENNE, CRR

21 CERTIFIED STENOGRAPHIC

22 REALTIME COURT REPORTER

VERITEXT LEGAL SOLUTIONS

JOB NO. 5001125

866 299-5127

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VIDEOGRAPHER:

JoAnn Yager

1 A. Give me just a moment, please. 16:15:11
2 Yeah, I do. 16:15:13
3 Q. And what is this document? 16:15:14
4 A. Same thing as the others. It is 16:15:17
5 my responses to some questions from 16:15:19
6 Google. 16:15:24
7 Q. Okay. 16:15:25
8 MS. TREBICKA: And same note as 16:15:30
9 to this amended response and 16:15:33
10 objection, we have not yet received 16:15:37
11 Mr. Byatt's verification. We trust it 16:15:39
12 will come shortly. 16:15:43
13 BY MS. TREBICKA: 16:15:45
14 Q. But, Mr. Byatt, did you review 16:15:45
15 to make sure that it is -- the responses, 16:15:46
16 that they are, to the best of your 16:15:49
17 understanding and belief? 16:15:52
18 A. When I got this document, I did 16:15:54
19 do that. Let me -- give me just a moment 16:15:58
20 to check and make sure that this is what I 16:16:02
21 remember reviewing. 16:16:04
22 Yeah, this looks right, as best 16:16:29
23 as I can remember. 16:16:33
24 Q. You're aware of companies like 16:16:36
25 Killi or Brave; is that right? 16:16:40

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1	A. Yes.	16:16:44
2	I don't know if you got my	16:16:58
3	answer, but I said, yes, I'm aware of	16:16:59
4	these.	16:17:02
5	Q. What is Killi?	16:17:02
6	MS. TREBICKA: It's -- for the	16:17:03
7	record, it's K-I-L-L-I.	16:17:04
8	A. I know that Killi is in the	16:17:06
9	space of allowing people to monetize some	16:17:15
10	of their private information. I can't	16:17:20
11	remember exactly what their business model	16:17:23
12	is right now. I know that that whole	16:17:28
13	space is shifting pretty rapidly.	16:17:30
14	BY MS. TREBICKA:	16:17:30
15	Q. And you've never attempted to	16:17:33
16	monetize your personal information on	16:17:35
17	Killi?	16:17:37
18	A. I have not attempted to, no.	16:17:38
19	Q. What is Brave?	16:17:39
20	A. Brave is a web browser that has	16:17:42
21	built-in sort of privacy features and also	16:17:47
22	allows you to sell -- I think they allow	16:17:51
23	you to sell your attention. Basically	16:17:54
24	they'll -- they'll serve you ads and pay	16:17:58
25	you to look at those ads, I believe, but	16:18:00

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1	it's a web browser.	16:18:05
2	Q. Have you ever used Brave?	16:18:09
3	A. I have used Brave, yes.	16:18:10
4	Q. Have you gotten paid for using	16:18:12
5	Brave?	16:18:14
6	A. I have not.	16:18:15
7	Q. Earlier we talked about browsing	16:18:16
8	on Incognito in Chrome. Do you recall	16:18:23
9	that? We talked about it a lot --	16:18:27
10	A. Yes.	16:18:30
11	Q. -- frankly, I just always feel	16:18:30
12	the need to preface this with what we've	16:18:32
13	talked about.	16:18:34
14	A. Yes, I do remember that.	16:18:36
15	Q. Okay. And also from some of	16:18:38
16	your interrogatory responses, we know that	16:18:39
17	you used Incognito to browse	16:18:42
18	adult-oriented websites including	16:18:46
19	websites -- or adult-oriented websites and	16:18:50
20	websites like The New York Times, for	16:18:54
21	example; is that correct?	16:18:55
22	A. That's correct, yes.	16:18:57
23	Q. What are adult-oriented	16:18:58
24	websites?	16:19:00
25	A. Pornography websites.	16:19:04

1 Q. Do you only browse pornography 16:19:07
2 websites while on Incognito? 16:19:10
3 A. I hope so. 16:19:12
4 Q. Do you believe that your data is 16:19:15
5 more valuable when it's related to 16:19:18
6 browsing on the pornography websites 16:19:23
7 rather than The New York Times? 16:19:27
8 MR. LEE: Objection to form. 16:19:30
9 A. I have no knowledge of 16:19:32
10 specifically how that's priced or what 16:19:35
11 information is particularly valuable. 16:19:37
12 BY MS. TREBICKA: 16:19:37
13 Q. What about Incognito versus 16:19:40
14 non-Incognito, do you believe that data 16:19:42
15 related to your browsing when you are in 16:19:44
16 Incognito is more valuable than data 16:19:46
17 related to your browsing when you are not 16:19:49
18 in Incognito? 16:19:51
19 MR. LEE: Objection, valuable to 16:19:53
20 who? 16:19:54
21 A. Yeah, so again, I don't know 16:19:59
22 from Google's perspective how that 16:20:01
23 information is priced. I don't know what 16:20:05
24 that looks like. I can tell you that from 16:20:09
25 my perspective, basically by definition, 16:20:14

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1 the information -- my browsing information 16:20:20
2 when I'm in Incognito mode is information 16:20:25
3 that it is more valuable to me for it to 16:20:28
4 remain private, right, yeah. So I don't 16:20:32
5 know how Google values it, but for me it 16:20:37
6 is certainly -- the highest value is for 16:20:40
7 it to be private when I'm in Incognito 16:20:42
8 mode. 16:20:42

9 BY MS. TREBICKA: 16:20:42

10 Q. What about value to others -- 16:20:56
11 and actually, let me -- why don't you take 16:20:59
12 a look at the response to Interrogatory 10 16:21:01
13 in this exhibit that you have open, which 16:21:05
14 is on page 7. 16:21:09

15 A. I'm on page 7. 16:21:20

16 Q. Okay. And I'm focusing your 16:21:22
17 attention to the last paragraph on that 16:21:23
18 page, the one that starts with 16:21:24
19 "Notwithstanding and subject to these 16:21:26
20 objections"; do you see that? 16:21:28

21 A. I see that paragraph. 16:21:32

22 Q. And you said "Plaintiff Byatt 16:21:33
23 responds that he has been aware of the 16:21:35
24 value of his personal data for years and 16:21:36
25 he chose to browse privately to protect 16:21:38

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